

RESOLUTION NO. RS2018-1503

A resolution authorizing The Metropolitan Government of Nashville and Davidson County to enter into an agreement with the City of La Vergne, Tennessee for easement acquisition assistance within Rutherford County for the Hurricane Creek Pipe Improvement Project (MWS Project No. 11-SC-0116).

WHEREAS, The Metropolitan Government of Nashville and Davidson county owns and operates a regional wastewater transportation and treatment system (the “Metro System”); and,

WHEREAS, the City of La Vergne owns and operates a wastewater collection system (the “La Vergne System”) in Rutherford County; and,

WHEREAS, Tenn. Code Ann. §§ 12-9-101, et seq., (“The Interlocal Cooperation Act”) authorizes political subdivisions of the state to enter into cooperative agreements by resolution of the local governing body; and,

WHEREAS, Metro and La Vergne previously entered into an agreement, the term of which shall end in 2024, wherein the parties agreed that the Metro System will safely and effectively accept and treat wastewater flows from La Vergne’s System; and,

WHEREAS, all points of connection (“POC”) at which flow from La Vergne’s System enters Metro’s System are equipped with metering devices for the purpose of measuring La Vergne’s flow so that Metro may bill La Vergne accordingly; and,

WHEREAS, for each POC Metro has agreed to accept into the Metro System sewage not exceeding the number of gallons per hour (GPH) (“Maximum Rate”); and,

WHEREAS, La Vergne has exceeded the East Hurricane Creek Maximum Rate on numerous occasions from May 2012 to April 2013; and,

WHEREAS, as a result of La Vergne’s exceedance, La Vergne submitted an East Hurricane Creek Corrective Action Plan (the “Plan”) dated October of 2013; and,

WHEREAS, in the Plan, La Vergne recognized the infiltration and inflow problems in the East Hurricane Creek Basin, generally attributed to the age and condition of their existing infrastructure, and determined that sewer rehabilitation, including replacement of the La Vergne interceptor sewer with a new sewer of greater capacity, was necessary since the current interceptor was operating at or near capacity; and,

WHEREAS, Metro, as well as La Vergne, has experienced infiltration and inflow problems in the Hurricane Creek Basin, and continues to experience exponential population basin growth; and,

WHEREAS, Metro, is constructing the Annual Rehabilitation FY2016 – South Hurricane Creek Project, MWS No. 16-SC-0009, to abate Metro System sewer infiltration and inflow by rehabilitating some of the wastewater infrastructure in Davidson County; and,

WHEREAS, Metro, due to aged and failing infrastructure, that lies both in Davidson County and Rutherford County, will construct the Hurricane Creek Pipe Improvements, Project MWS No. 11-SC-0116 (the “Project”), to abate trunk sewer infiltration and inflow by replacing the infrastructure and upgrading the trunk sewer capacity; and,

WHEREAS, as a result of the Project, Metro will abate trunk sewer infiltration and inflow and have the ability to accept increased wastewater flows from citizens of the Metropolitan Government and Davidson County and La Vergne; and,

WHEREAS, the Project will necessitate the acquisition of property rights in both Davidson County and in La Vergne; and,

WHEREAS, the parties desire to work together to accomplish this mutual, beneficial Metro wastewater system upgrade for the environmental benefit of Hurricane Creek water quality and NPDES permits’ compliance; and,.

WHEREAS, it is in the parties' interest to enter into an agreement whereby La Vergne assists in easement acquisition within Rutherford County for the Hurricane Creek Pipe Improvements Project; and,

WHEREAS, the Agreement attached hereto as Exhibit 1 sets forth the terms governing La Vergne’s and Metro’s responsibilities for this project.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the Agreement by and between the City of La Vergne, Tennessee, and The Metropolitan Government of Nashville and Davidson County, a copy of which is attached hereto and incorporated herein (Exhibit 1), is hereby approved, and the Director of the Department of Water and Sewerage Services is hereby authorized to execute said Agreement.

Section 2. That this resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

Scott A. Potter, Director
Water and Sewerage Services

INTRODUCED BY:

Council Member(s)

APPROVED AS TO THE
AVAILABILITY OF FUNDS:

Talia Lomax-O'dneal, Director
Department of Finance

APPROVED AS TO FORM
AND LEGALITY:

Assistant Metropolitan Attorney